

**Brief Minutes & Follow-up plan to the CJAR
Strategic Planning Meeting 11th July 2009
6/6 Jungpura B, Delhi
9:30a.m. – 1:30p.m.**

Participants:

S.No.	Name	Organisation
1.	Prashant Bhushan	CJAR
2.	Vikram Lal	Common Cause
3.	Diwan Singh	Natural Heritage First
4.	Nikhil Dey	MKSS
5.	Shekhar Singh	NCPRI
6.	Aruna Roy	MKSS
7.	Vipin Mathew Benjamin	HRLN
8.	Cheryl Dsouza	CJAR
9.	Devvrat	CJAR
10.	Somesh	CJAR
11.	Biji Mathew	Advocate
12.	Bipin Kumar	The Other Media
13.	Dr. Venkatesh Sundaram	Lok Raj Sanghatan
14.	Dr. Anoop Saraya	PUCL
15.	Madhuresh	CACIM, DSG
16.	Ankita Anand	NCPRI
17.	Arvind Kejriwal	Parivartan
18.	Divya Jyoti Jaipurkar	Advocate
19.	Vijayan M. J.	Delhi Forum, Delhi Solidarity Group
20.	A. D. Nagpaul	ICADR, Mumbai
21.	Bijulal	Indian Social Institute
22.	Vivek Singh Bishnoi	Advocate
23.	Pranav Sachdeva	CJAR
24.	D. Leena	CJAR
25.	Indu Prakash Singh	CJAR
26.	Promod Chawla	NNFI
27.	Rohit Singh	Advocate
28.	Dr. Bhasker Rao	Centre For Media Studies
29.	Mayank Misra	CJAR
30.	Swati Gupta	Manushi
31.	Anil Tharayath Varghese	Delhi Solidarity Group
32.	Kiran Bhatta	RTI Activist
33.	Shankar Singh	MKSS

1. Welcome and Introduction to the CJAR Strategic Planning: Prashant Bhushan, Convenor, CJAR
2. Review of the Status Report with participants: Prashant Bhushan

The Group was briefed about the CJAR activities during the year 2008 till July 2009. The status report was read out in brief, focussing on the rapid judicial scandals that have surfaced since the last year and the need to put in place systems that will deal with such cases of judicial corruption.

With the central government having spelt out certain measures for judicial reform, the group decided right at the outset to take up the issue of judicial reforms with the government. The new government focus on reforms however suffers from flaws and falls short of what is required to bring in serious reform in our country's judicial system. The discussions hence focussed on detailing the CJAR roadmap for judicial reforms under various heads. For instance, setting up a Judicial Appointments/Complaints Commission, effectuating the Gram Nyayalaya Act 2008, suggesting changes to the governments draft on the Asset Declaration Bill, amendments in the Contempt of Courts Act, applying the RTI Act to the judiciary in letter and spirit.

The issue of reforms has also to deal with delays in the dispensation of justice, high and unaffordable court fees, corruption in the judiciary and an elitist attitude among the judiciary.

DISCUSSION:

GRAM NYAYALAYA BILL 2008

The Bill can deal with both access to justice and delays that affect the rural poor. It is hence important to take steps to ensure that the Bill is effectuated to provide for an adequate number of GNs in every block and tehsil of the country so that:

- An adequate number of courts are available locally to the citizens of these blocks and tehsils
- The GNs will function without formal procedures and can be accessed without the help of lawyers
- The Nyayadhikaris would be people who need not have complete legal knowledge but are people of integrity, with a sense of equity, a judicial temperament and a concern for the common man

(Research and planning group on Gramnyayalayas – refer to section later on research and planning groups)

DECLARATION OF ASSETS BY JUDGES

The draft statement on declaration of assets by judges was read out. Various changes and additions to the statement were suggested by the group.

It was decided that CJAR would issue a public statement on the proposed Bill on declaration of assets by judges, signed by various prominent people.

(Since the meeting the statement has been prepared and is being circulated for comments)

LETTER TO/APPOINTMENT WITH LAW MINISTER

It was decided that a letter briefly mentioning the various issues of accountability and reform that CJAR would want to work with the government on be sent and an appointment be sought the Law Minister. *(Since the meeting the letter has been sent)*

CJAR would prepare drafts on each issue of reform and circulate it among members for comments. A meeting will be held on Sunday, 19th July 2009, to finalise these drafts.

CJAR delegation will meet the Law Minister

If required, CJAR will organise a consultation in collaboration with the government on the proposed judicial reforms.

DEALING WITH THE ANTI POOR BIAS OF THE JUDICIARY

Probable solutions:

1. The process of appointment of judges must include an assessment of the appointees sensitivity towards the poor and judicial temperament.
2. When examining complaints against a judge – the criteria for examining complaints need not just be lack of integrity or instances of corruption but also instances of violation of the constitution and human rights, etc.
3. The present system does not look at an appointee's judicial temperament or sensitivity towards the poor.

Our demand: a judiciary that is sensitive towards the plight of the common citizens of the country.

SUGGESTION FOR REVIEWING THE PERFORMANCE OF JUDGES

JUDICIAL APPOINTMENTS COMMISSION

(CJAR's recommendation on the composition and procedure for the Commission and roadmap for other judicial reforms will be sent in another document)

Research and Planning Groups:

1. Gram Nyayalaya Bill, 2008:

The group will undertake:

- A detail study and analysis of the Act
- Suggest measures for effectuating and strengthening the Act
- Suggest measures for strengthening the system of appointments

- Produce a Peoples Handbook on Gram Nyayalayas
- Suggest procedures which will make the Gram Nyayalayas accessible to the poor without lawyers
- Lobby for all proceeding to be video recorded

Group Members: Arvind Kejriwal (Facilitator), Aruna Roy, Nikhil Dey, Vijayan M.J., D. Leena, Diwan Singh, Bijulal, Devvrat, Divya Jyoti, Cheryl, Pranav

2. System of appointments in other countries:

The group will undertake:

- A study of the system of appointments in other countries
- Prepare a summary and collate the various country systems into a document for reference by CJAR
- Suggested Countries: US, UK, Germany, Sweden, South Africa
- Suggested Resources: Book on appointments with Mr. Anil Divan

Group Members: Devvrat (Facilitator), Mayank Misra, Vipin, , Pranav, Ebba

3. Study of the Administrative Reforms Committee's Recommendations on the judiciary: Pranav Sachdeva

(Pranav has since worked on this. Please find the ARC's recommendations attached)

4. Analysis and categorisation of Supreme Court judgements affecting the poor

- Collate Supreme Court judgements - pro-poor and anti-poor as well as pro-corporate judgements
- identify most pro-poor judge, pro-corporate judge

Group members: Vipin, Devvrat, Mayank, Biji, Pranav

Action Plan:

1. Public Statement on Proposed Bill on Declaration of Assets signed by prominent persons
2. Article in Media on Proposed Bill on Declaration of Assets
3. Letter to Law Minister seeking CJAR appointment
4. Preparation of a draft proposal on judicial reforms
5. Circulation of proposal for comments from CJAR member groups
6. Finalising proposal on 19th July (4p.m., 6/6 Jungpura B)